

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WASHINGTON C. MONTANO,

Plaintiff,

vs.

CESAR L. SINNACO,

Defendant.

No. C 04-0543 JF (PR)

ORDER REOPENING ACTION  
AND LIFTING STAY; SETTING  
FINAL BRIEFING SCHEDULE

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against medical personnel at the Correctional Training Facility in Soledad, California. The Court initially dismissed the complaint in part with leave to amend. Plaintiff filed an amended complaint and the Court ordered service of the amended complaint on Defendant. Defendant filed a motion for summary judgment addressing the merits of the amended complaint. In July 2007, the Court granted Plaintiff's motion for documents and ordered further briefing on the pending motion for summary judgment. Plaintiff requested two extensions of time to file a supplemental opposition to Defendant's motion. Before Plaintiff filed a supplemental opposition, the Court referred the action to the Court's Pro Se Prisoner Settlement Program on February

1 5, 2008, and stayed the case pending settlement proceedings. The order stated that, if  
2 necessary, the Court will issue a further scheduling order after the settlement proceedings.

3 On July 15, 2008, the Honorable Judge Nandor J. Vadas notified the Court that the  
4 parties were unable to reach an agreement. (Docket No. 37.) Accordingly, the Court  
5 orders the case reopened, the stay lifted, and Plaintiff to file a supplemental opposition to  
6 Defendant's motion for summary judgment with the Court, and serve a copy on  
7 Defendant's counsel, **within thirty (30) days** from the date this order is filed. This is a  
8 **FINAL deadline** since Plaintiff has already been granted lengthy extensions of time to  
9 file a supplemental opposition. No further extensions of time will be granted. If Plaintiff  
10 fails to file a supplemental opposition in the time provided, the matter will be submitted  
11 the date the supplemental opposition is due.

12 If Plaintiff files a supplemental opposition in the time provided, Defendants may  
13 file a supplemental reply with the Court, and serve a copy on Plaintiff, **within fifteen (15)**  
14 **days** of receipt of Plaintiff's supplemental opposition. The matter will be submitted the  
15 date the supplemental reply brief is due. No hearing will be held on the motion, unless  
16 the Court so orders at a later date.

17 All communications by the Plaintiff with the Court must be served on Defendant's  
18 counsel by mailing a true copy of the document to Defendant's counsel.

19 It is Plaintiff's responsibility to prosecute this case. Plaintiff must keep the court  
20 informed of any change of address and must comply with the court's orders in a timely  
21 fashion. Failure to do so may result in the dismissal of this action for failure to prosecute  
22 pursuant to Federal Rule of Civil Procedure 41(b).

23 The clerk shall reopen this case. The stay is Lifted.

24 IT IS SO ORDERED.

25 DATED: 8/8/08  
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28 JEREMY FOGEL  
United States District Judge